

REPORT OF THE COMMITTEE ON LEGISLATION & INTERGOVERNMENTAL RELATIONS

January 4, 2001

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Hansen, Vice Chairman Lechowicz, Commissioner(s) Collins, Daley, Moran, Silvestri and Sutker (7)

Absent: Commissioner(s) Schumann and Sims (2)

Also Present: Commissioner Jerry Butler; Commissioner Allan C. Carr; Steven S. Morrill, Morrill & Associates-Cook County Board's lobbyist in Springfield; Eugene M. Barnes, E.M. Barnes & Associates-Cook County Board President's lobbyist in Springfield; Gary Ryczyn, Director of Elections-County Clerk's Office; Donna Lach, State's Attorney's Office.

Ladies and Gentlemen:

Your Committee on Legislation & Intergovernmental Relations of the Board of Commissioners of Cook County met pursuant to notice on Thursday, January 4, 2001 at the hour of 2:00 PM in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and upon adoption of this report, the recommendations are as follows:

With leave of the body, Chairman Hansen asked the Committee to consider Communication 240494 as the first item of business.

240494 CRAWFORD COUNTRYSIDE SANITARY DISTRICT (APPOINTMENT). Transmitting a Communication, dated December 19, 2000 from John H. Stroger, Jr., President, Cook County Board of Commissioners:

I hereby appoint **IRENE A. KLAIN** to the Crawford Countryside Sanitary District for a term to begin immediately. According to Illinois Statute 70 ILCS 2405/3, the expiration dates for appointees to new sanitary districts are determined by lot at their first meeting.

I submit this communication for your approval.

Vice Chairman Lechowicz, seconded by Commissioner Daley, moved the approval of Communication No. 240494. The motion carried.

Item 1 House Bill 1137, regarding use of new election equipment.

The Chairman asked the County Board's lobbyist to report on the current status and the prospect of passage of this item.

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Steve Morrill stated he had been advised there were no prospects of moving the bill during the remaining two days of the current General Assembly.

Mr. Morrill reviewed the statutory need for the legislation. He stated the goal of using new election equipment is to shorten the working day for the judges of elections by quickening returns and by reducing the opportunity for vote fraud. He discussed the new equipment's features: 1) voters insert the ballot into the tabulation machines; 2) tabulation machines maintain the vote count in real time.

Mr. Morrill also reviewed two features requested by the County Clerk and Chicago Board of Elections: having the machines automatically return a ballot to the voter if it detected a ballot that 1) lacked a judge of elections initials on the back, and/or 2) had an over-vote. He stated the goal of using these features was to insure that votes would not be uncounted because of an error by election judges or by the voter.

Mr. Morrill stated that the County Clerk's Election Department and Chicago Board of Elections gave a presentation of the new election equipment features to the General Assembly a year ago. At that time concerns were expressed regarding the security of the real-time count feature, the voter insertion feature and automatic ballot rejection feature. Mr. Morrill stated that concerns remain regarding the automatic ballot rejection feature.

Steve Morrill informed the members that language had been drafted containing the necessary authorization to use the new equipment with the real-time count and voter insertion features, but the other features were put aside for future consideration. Mr. Morrill stated that the measure stands in the House Rules Committee. Mr. Morrill said the argument expressed during recent discussions was that if authority is given to election authorities in Cook County to use and test new voting technology, then similar authorization for DuPage County election authorities to use and test new equipment should also be included.

In response to Chairman Hansen's inquiry on how the lobbyists plan to get this matter passed, Steve Morrill stated that it is important that the Speaker of the House and President of the Senate reach an accord. He recommended that the county board members contact their respective legislators regarding this issue.

Commissioner Daley asked Eugene Barnes whether the latest Senate Conference Committee Report draft included the authorization the City and County need in order to use the equipment with all four features.

Mr. Barnes stated the draft did not include authorization to all the features. He stated that during the Spring Session, the Speaker had expressed to the Senate that Direct Recording Electronically (DRE) authorization was not his concern and did make it clear that the House would not move the bill if the Senate sent language that did not include the authorization Chicago and Cook County need in order to use the equipment's four features.

Vice Chairman Lechowicz expressed concern that without the authorization to use the equipment with all the features purchased by the Board, there is the possibility that errors by the election judges and/or an error by the voter could disenfranchise voters in future elections.

Concurring with Vice Chairman Lechowicz, Commissioner Daley stressed the importance of immediately obtaining the authorization from the General Assembly to allow for the training of election judges and the implementation of the machines optional features prior to the local elections in April.

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Chairman Hansen requested a memo from the lobbyists with recommendations to the President and Board on how to proceed. The Chairman asked that the memo be attached to two legislative proposals including: 1) a draft authorizing the use of the equipment's features allowing for voters to directly insert the completed ballot into the vote tabulation machines and for the machines, in real-time fashion, to maintain the vote count; and 2) a draft authorizing the machines to automatically return a ballot to the voter if a ballot lacks a judge of elections initials on the back or has an overvote.

Vice Chairman Lechowicz suggested the lobbyists plan to introduce bills in both the House and Senate and include in the memo the names of possible sponsors. He also asked that the lobbyists coordinate drafting the substantive language and lobbying efforts with the County Clerk's Election Department and the Chicago Board of Elections.

The Chairman called upon Gary Ryczyn to comment on the County Clerk's desires in terms of the features of the equipment and on security concerns relative to the automatic ballot return feature. Gary Ryczyn stated the Clerk would like to have authorization to use the equipment with all its features.

In response to Commissioner Daley's question if any election judges were trained on use of the new features, Gary Ryczyn stated that since the features were not used in the last election, no training was necessary. Mr. Ryczyn stated he believed at least one judge, from each party would have to be trained in each precinct.

Chairman Hansen expressed his concern on providing improved voter and election judge instruction on how to cast and properly handle a ballot if all the features are authorized. Chairman Hansen also stressed his concern regarding the rejection feature compromising secrecy and the need for allowing only a voter to handle a ballot to be counted.

Chairman Hansen requested a memo from Gary Ryczyn stating the Clerk's policy and procedures to protect the security of ballots, by Monday, January 8, specifically relating to the handling of ballots cast and then rejected when a vote defect is detected by the automatic return feature.

**Commissioner Daley moved to adjourn the meeting, seconded by Vice Chairman Lechowicz.
The motion carried and the meeting was adjourned.**

Respectfully submitted,
Committee on Legislation &
Intergovernmental Relations

Carl R. Hansen, Chairman

Attest:

Sandra K. Williams, Secretary